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SUGGESTED EXECUTIVE ORDER 12065 REVISIONS

NOTE: Suggested new text is underlined.

1. Currently only the DCI has authority within CIA to determine which employees should be granted Top Secret classification authority. The following revision to Section 1-204 (a) would permit the DCI to delegate this responsibility.

1-204

(a) Authority for original classification of information as Top Secret may be delegated only to principal subordinate officials who have a frequent need to exercise such authority as determined by the President, by agency heads listed in Section 1-201, or by a subordinate senior official with Top Secret classification authority who is granted this responsibility in writing by an agency head listed in Section 1-201.

2. The following paragraph '(b)' addition to Section 1-302 would incorporate the "aggregate" or "mosaic" effect into the second step of the two step classification process.

1-302

Even though information is determined to concern one or more of the criteria in Section 1-301, it may not be classified unless an original classification authority also determines that:

(a) its unauthorized disclosure reasonably could be expected to cause at least identifiable damage to the national security or

(b) its unauthorized disclosure, in combination with one or more other disclosures, reasonably could be expected to cause

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at least identifiable damage to the national security, even
though each disclosure in isolation would not be expected to do so.

3. The following addition to the last sentence of Section 1-402, in conjunction with revisions to Section 2-302 and 3-405, (see items 7 and 8 below) would permit intelligence sources or methods information to be classified up to seventy-five years before declassification review is required.

1-402

Only officials with Top Secret classification authority and agency heads listed in Section 1-2 may classify information for more than six years from date of the original classification. This authority shall be used sparingly. In such cases, a declassification date or event, or a date for review, shall be set. This date or event shall be as early as national security permits and shall be no more than twenty years after original classification, except that for foreign government information the date or event may be up to thirty years after original classification and for intelligence sources or methods the date or event may be up to seventy-five years after original classification.

4. The following revision to Section 1-501 is to clarify the intent of E.O. 12065 that all classified information, regardless of the media, be clearly marked.

1-501

At the time of original classification, the following shall be shown on the face of paper copies of all classified documents and prominently displayed, where practicable, on all other forms of classified information:

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5. Currently only the Director, ISOO may grant portion marking waivers. The following revision to Section 1-504 would permit the DCI to grant portion marking waivers for some types of CIA and CIA contractor documents. It also would require that all documents produced under portion-marking waivers be marked to indicate that they may not be used as the basis for derivative classification.

1-504

In order to facilitate excerpting and other uses, each classified document shall, by marking or other means, indicate clearly which portions are classified, with the applicable classification designation, and which portions are not classified. Agency heads listed in Sections 1-201, 1-202, and 1-203 may grant waivers of this requirement for classes of documents that (a) are originated by an agency or contractor over which the agency head has classification control, (b) are only disseminated internally within or between such agency or contractor, (c) are impracticable to portion mark, and (d) will not be used as the basis for the classification of other documents. The Director of the Information Security Oversight Office may, for good cause, grant and revoke waivers of this requirement for other specified classes of documents or information. All documents classified under a portion marking waiver shall bear a notation indicating that they may not be used as the basis for derivative classification.

6. Currently only the DCI and DDCI may authorize within CIA the classification of a document originated subsequent to 30 November 1978 after it has become

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the subject of an FOIA or mandatory review request. The following revision to Section 1-606 would permit the DCI to delegate this authority below the DDCI level.

1-606

No document originated on or after the effective date of this Order may be classified after an agency has received a request for the document under the Freedom of Information Act or the Mandatory Review provisions of this Order (Section 3-5), unless such classification is consistent with this Order and is authorized by the agency head or by a senior subordinate official granted such responsibility in writing by the agency head. Documents originated before the effective date of this Order and subject to such a request may not be classified unless such classification is consistent with this Order and is authorized by the senior official designated to oversee the agency information security program or by an official with Top Secret classification authority. Classification authority under this provision shall be exercised personally, on a document-by-document basis.

7. The following '(d)' addition to section 2-302, in conjunction with revisions to 1-402 and 3-405, (see items 3 above and 8 below) would permit intelligence sources or methods information to be classified up to seventy-five years before declassification review is required.

2-302

(d) If the source material is intelligence sources or methods information bearing no date or event for declassification or

is marked for declassification beyond seventy-five years, the new material shall be marked for review for declassification at seventy-five years from the date of original classification of the source material.

8. The following deletions and additions in Sections 3-403 and 3-405 would (1) exempt intelligence sources or methods information from twenty year systematic review, (2) permit it to be reviewed at seventy-five years, and (3) obligate the Archivist of the United States and any agency holding intelligence sources or methods information to follow declassification guidelines established by the DCI. The existing Section 3-405 would be renumbered 3-406.

3-403

Delete "and the Director of Central Intelligence may establish special procedures for systematic review and declassification of classified information concerning the identities of clandestine human agents" from the first sentence of this Section.

3-405

Intelligence sources or methods information shall be exempt from automatic declassification and twenty year systematic review. Unless declassified earlier, such information shall be reviewed for declassification seventy-five years from its date of origin. Such review shall be in accordance with the provisions of Section 3-3 and with guidelines developed by the Director of Central Intelligence. Such guidelines will be used by the Archivist of the United States and any agency having custody of intelligence sources or methods information.

9. The following addition to the "Safeguarding" section would permit greater flexibility in the control of sensitive compartmented information processed by computers, high speed printers, and other sophisticated technology. The existing Section 4-204 would be renumbered 4-205.

4-204

To accommodate sophisticated intelligence collection, processing, and dissemination technology, the managers of approved special access intelligence programs may prescribe in coordination with the senior officials of the Intelligence Community, as defined in Section 4, paragraph 4-207, Executive Order 12036, amended rules for safeguarding classified information protected in authorized special access programs.

10. The following addition to the "Definitions" section would establish for the first time what a "portion" is.

6-601

A "portion" is any segment of information--normally a paragraph or subparagraph--that deals with a particular point and does not require amplification to complete its meaning.